

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.*, JOHN)
DOAK, INSURANCE COMMISSIONER,)
AS RECEIVER FOR PARK AVENUE)
PROPERTY AND CASUALTY)
INSURANCE COMPANY,)

Plaintiff,)

v.)

Case No. CIV-11-864-C

PATRICK MONTGOMERY,)
EMPLOYMENT TRADITIONS, INC.;)
PEOPLE ESSENTIALS, INC.;)
E.T. 2, INC.; E.T. 4, INC.;)
E.T. 6, INC.; E.T. 10, INC.;)
CFC I/ET, INC.; CFC II/ET, INC.;)
MONTGOMERY, INC.;)
ACRISURE BUSINESS OUTSOURCING)
SERVICES, LLC; ACRISURE, LLC;)
and CAMPBELL MANAGEMENT)
GROUP, INC.,)

Defendants.)

RULE 54(b) CERTIFICATION OF FINAL JUDGMENT

The Court, upon review of Plaintiff's Unopposed Motion for Entry of Rule 54(b) Certification as to the Judgment Entered in Favor of Acrisure Business Outsourcing Services, LLC, Acrisure, LLC, and Campbell Management Group, Inc. (Dkt. #107), hereby expressly determines there is no just reason for delay for entry of the Judgment (Dkt. #106) as final. In making its determination, the Court makes the following findings:

1. On May 24, 2012, this Court entered its Order that, among other things, granted summary judgment in favor of the Acrisure Defendants, (Dkt. #97).

2. On or about May 27, 2012, the Receiver settled claims against the remaining Defendants. Pursuant thereto, the parties entered a Stipulated Dismissal without Prejudice of all the Receiver's claims against Defendant Patrick Montgomery on June 11, 2012, (Dkt. #99), and the Court, on June 12, 2012, entered a Judgment, (Dkt. #100), against Employment Traditions, Inc., People Essentials, Inc., E.T. 2, Inc., E.T. 4, Inc., E.T. 6, Inc., E.T. 10, Inc., CFC I/ET, Inc., CFC II/ET, Inc., and Montgomery, Inc. (the "ETI Defendants").

3. On August 3, 2012, the Court entered its Judgment in favor of the Acrisure Defendants, (Dkt. #106).

4. The claims asserted against Defendant Patrick Montgomery arise from separate facts and are distinct from the claims adjudicated by the Court against the Acrisure Defendants. Specifically, the Receiver has brought separate claims of negligence and breach of fiduciary duty and equitable piercing against Defendant Montgomery, (Dkt. #1-1, pp. 15-16 and 19-20, Counts V and VIII). Against the Acrisure Defendants, the Receiver brought a separate claim of successor liability, (Dkt. #1-1, pp. 18-19, Count VII). One claim, for constructive fraudulent transfer, was brought against all defendants, (Dkt. #1-1, pp. 16-18, Count VI). However, the facts and circumstances regarding the transfers are separate and distinct as between Defendant Patrick Montgomery and the Acrisure Defendants. Specifically, the Receiver has alleged separate transfers were made from the ETI Defendants to Defendant Montgomery, (*Id.* at ¶¶ 110-113), and from the ETI Defendants to the Acrisure Defendants, (*Id.* at ¶¶ 107-109). There are no claims or issues to be decided against Defendant Patrick Montgomery that would affect the rights or obligations of the Acrisure Defendants.

5. The Court has administratively closed or terminated the present action as of June 12, 2012.

6. The dismissed claims against Defendant Patrick Montgomery are no longer pending, and, if reasserted, will be done so at some future date.

7. If and when the Receiver reasserts claims against Defendant Patrick Montgomery, it remains uncertain whether such claims will be pending before this Court.

8. If the Receiver does not bring another action against Defendant Patrick Montgomery or if such claims are resolved by a different court, there is uncertainty regarding when or if the Judgment in favor of the Acrisure Defendants will become final for purposes of appeal.

IT IS HEREBY ORDERED that Plaintiff's Unopposed Motion for Entry of Rule 54(b) Certification as to the Judgment Entered Favor of Acrisure Business Outsourcing Services, LLC, Acrisure, LLC, and Campbell Management Group, Inc. is GRANTED, and, pursuant to FED. R. CIV. P. 54(b), the Court Certifies the Judgment (Dkt. #106) as final and orders and directs the entry of final judgment in favor of Acrisure Business Outsourcing Services, LLC, Acrisure, LLC, and Campbell Management Group, Inc.

Dated this 4th day of October, 2012.


ROBIN J. CAUTHRON
United States District Judge